

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR PROPOSED REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Section 180.15
Title 14, California Code of Regulations
Re: Coonstripe Shrimp Fishing

- I. Date of Initial Statement of Reasons: February 18, 2002

- ## II. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: April 25, 2002
Location: Sacramento
- (b) Adoption Hearing: Date: October 25, 2002
Location: Crescent City

- ### III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

Section 8591, Fish and Game Code (FGC), delegates to the Commission the authority to regulate the commercial harvest of prawns or shrimp, including coonstripe shrimp.

To participate in the commercial fishery for coonstripe shrimp, one must have a commercial fishing license, a commercial vessel registration, a coonstripe shrimp vessel permit (Section 180.15, Title 14, CCR), and, if trapping, a general trap permit (Section 9001, FGC). Trap fisherman must abide by all the trap regulations regarding size (Section 9015, FGC), destruct devices and marking and servicing the trap (Sections 180, 180.2 and 180.5, Title 14, CCR). Trawl fishermen are required to abide by general gear specifications and limitations for shrimp trawling (Section 120, Title 14, CCR). A November 1, 2001 control date was established in the event a restricted access program is developed in the future. There are no other management restrictions on this fishery.

Presently, the coonstripe fishery is very localized, occurring in 23 to 28 fathoms (138 to 168 feet) of water in the vicinity of St. George Reef, offshore from Crescent City. The first commercial landings of coonstripe shrimp were made in 1995 by two trap vessels that landed 2,500 pounds of coonstripe shrimp. In 2001, eight vessels made regular landings and another 12 vessels made one or more landings totaling 74,000 pounds.

For several years coonstripe shrimp trappers have contacted the Commission and the Department requesting seasonal regulations for their fishery. As the fishery added new entrants, fishermen started putting traps out earlier. Instead of starting in May, after the primary egg bearing season is over, some fishermen are putting traps out in April or earlier to

stake out territory for their trap lines. In 2001, landings were made in every month of the year.

Coonstripe shrimp normally mate and start carrying eggs in October. The peak of egg hatching occurs during late March and early April. Large quantities of egg bearing females are caught in traps in the first four months of the year. Commercial fishermen provided the Department with samples from their coonstripe shrimp catches from March through June in 1997. The sample data showed that from March through early April, 100 percent of the females were carrying eggs. Just over half the females carried eggs at the end of May.

The Department is proposing an open season for the take of coonstripe shrimp from May 1 through October 31. The closed fishing period, from November 1 through April 30, would protect coonstripe shrimp during the period when the largest proportion of the population regularly mates and carry eggs. The resulting six-month closure will ensure that coonstripe shrimp are allowed the maximum protection during a vulnerable period of their life cycle.

Since the Pacific Fishery Management Council (PFMC) continues to reduce the take of groundfish and the majority of California's fisheries are now managed under restricted access programs, fishermen utilizing a variety of gear have been displaced in all the west coast states. Competition to find new fisheries or to find a place in an existing fishery is increasing. Although trawls have only been used occasionally in the coonstripe shrimp fishery, the Department is proposing that traps be the only authorized fishing gear to take coonstripe shrimp. Restricting fishing gear to traps only is expected to reduce bycatch and fish and invertebrate species incidentally caught in traps can usually be released alive and unharmed. This restriction will also avoid the potential damage to coastal habitat associated with fishing for coonstripe shrimp with trawl nets by prohibiting their use in this fishery.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1050, 8591 and 8842, Fish and Game Code.

Reference: Sections 1050, 8590, 8591, 8595, 8842, 9001 and 9015, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change: None.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings were held prior to the notice publication. There are eight regular participants in the fishery. The Department has been in contact with four of the participants regarding establishing a season.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Season. A season with a flexible start date is an alternative to a fixed season opener. It is the preferable choice, from a biological perspective, because fluctuations in oceanographic conditions (like temperature) can result in an early or late reproductive cycle. This alternative was rejected because setting a season based on oceanographic or biological conditions involves annual sampling and analyses by Department staff. Such a small fishery does not warrant or support the expense of Department resources for such an activity.

2. Gear. The use of trawl nets was considered, with permit conditions including mandatory at-sea observations to collect information on catch and bycatch and a mandatory logbook. This alternative was rejected because of increasing concerns about bycatch of federally managed groundfish species, several of which have been determined to be overfished, and bycatch of state managed nearshore species in trawl nets. Expanding the use of trawl nets in nearshore waters is not consistent with Department fishery management goals.

(b) No Change Alternative:

Not creating a season could jeopardize the health of the coonstripe shrimp resource. Shrimp that are still carrying eggs would be caught and wasted for the sake of staking out territory on the fishing grounds. The lack of a season could create disagreement between fishermen putting their traps out early (in April) and those waiting until May. A season that prohibits fishing until May would result in a more orderly fishery.

Continuing to allow the use of trawl gear in this fishery could result in an unacceptable level of bycatch, including rockfish, flatfish and a variety of invertebrates. Trawl nets also can damage coastal habitats that are fishing grounds and nursery areas for a variety of species. Trawl fishermen would suffer economic loss if allowed to become regular participants in the fishery and then were excluded at a future date.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed regulations are not expected to have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. Each coonstripe shrimp trapper or buyer is considered a business. Establishing a season and gear type will not change the size, composition or activity of the existing fishery participants. No catch would be made in April, but buyers frequently do not purchase the product, or pay reduced prices for it in that month. Trawl nets would be eliminated as a method of take in the fishery, but currently there are no trawl fishermen regularly participating in the fishery.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

- (c) Cost Impacts on a Representative Private Person or Business:

Each coonstripe shrimp trapper or buyer is considered a business. The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

- (e) Nondiscretionary Costs/Savings to Local Agencies: None

- (f) Programs mandated on Local Agencies or School Districts: None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

- (h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

Under existing law, to participate in the commercial coonstripe shrimp fishery one must have a commercial fishing license, a commercial vessel registration, a coonstripe shrimp vessel permit, and if trapping, a general trap permit. A coonstripe shrimp trap fisherman must also abide by all regulations regarding trap size, destruct devices, marking and service interval. Trawl fishermen are required to abide by the general gear specifications and limitations for shrimp trawling.

The Fish and Game Commission is proposing the establishment of a statewide open season for the take of coonstripe shrimp from May 1 through October 31. The rest of the year the fishery would be closed to protect the shrimp during the breeding and egg bearing season. Additionally, the Commission is proposing to allow only trap gear for the take of coonstripe shrimp. The proposed regulation includes language specifying when traps can be set and baited at the start of the season, and when traps must be out of the water at the end of the season.